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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/809,088

03/25/2004

Alexander Torone

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07/03/2006

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EXAMINER

MEMULA, SURESH

ART UNIT

PAPER NUMBER

2825

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/809,088	<b>Applicant(s)</b> TORONE ET AL.	
	<b>Examiner</b> Suresh Memula	<b>Art Unit</b> 2825	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-12 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claim 1, and similarly recited Claim 18, the limitation (c) "validating the design...to application model" is incomplete, i.e., how does comparing the hosting environment model/settings to the application model/constraints result in validation; comparing to find/determine what.

In Claim 7, the term "logical" in "logical computer workstation" renders the claim indefinite since it is unclear as to what the term is meant to encompass.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claims 2-12 are rejected because they depend on Claim 1.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Loewy et al. (US Pub. No. 2004/0193703).

As to Claim 1, and similarly recited Claims 13 and 18,

(a) modeling the hosting environment (Abstract, Paragraph 0006, and FIG. 2) such that the hosting environment model includes hosting environment settings and constraints placed on the application (Paragraphs 0007-0008, 0051, and FIG. 2);

(b) modeling the application (Abstract, Paragraph 0042, and FIG. 2) such that the application model includes application settings and constraints placed on the hosting environment (Paragraphs 0042, 0051, 0097); and

(c) validating the design of the system by comparing the hosting environment model to the application model (Paragraphs 0008, 0048, and FIG. 2).

As to Claim 2, wherein the constraints include configuration parameters (Paragraphs 0051, 0099).

As to Claim 3, and similarly recited Claim 14, analyzing application settings to determine whether the settings satisfy the hosting environment constraints (Paragraph 0048, and FIG. 2-3).

As to Claim 4, and similarly recited Claim 15, analyzing hosting environment settings to determine whether the settings satisfy the application constraints (Paragraph 0011, and FIG. 2-3).

As to Claim 5, and similarly recited Claim 16, wherein the hosting environment comprises a distributed computing system (Abstract, Paragraph 0006, and FIG. 4).

As to Claim 6, wherein the hosting environment comprises a plurality of server computers (Abstract, Paragraph 0047, and FIG. 1 and 3-4).

As to Claim 7, wherein the hosting environment comprises a logical computer workstation (Paragraph 0047).

As to Claim 8, displaying on a display device a list of constraint conditions that are not satisfied (Paragraphs 0052, 0056, and FIG. 4).

As to Claim 9, displaying a link in the list of constraint conditions that are not satisfied that links a condition in the list to a diagram that illustrates the condition (Paragraphs 0076, 0123, and 0141).

As to Claim 10, displaying on a display device an error icon when a constraint is not satisfied (Paragraphs 0053 and 0224).

As to Claim 11, wherein (a) comprises creating a system definition model document (Paragraphs 0065, 0092, 0109, and FIG. 2-3, 6, and 8-9).

As to Claim 12, wherein (b) comprises creating a system definition model document (Paragraphs 0065, 0096, 0109, and FIG. 2-3, 6, and 8-9).

As to Claim 17,

a) displaying application elements in a first region of a user interface (FIG. 22);

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(b) displaying hosting environment elements in a second region of the user interface (FIG. 22);

(c) in response to a command from a user (Paragraph 0221 and FIG. 22) moving elements from the first region to locations in the second region to bind application elements to hosting environment elements (FIG. 2-3, and 5-7);

(d) validating the design by analyzing application and hosting environment settings to determine whether the settings satisfy hosting environment and application constraints, respectively (FIG. 23); and

(e) displaying validation errors in a third region of the user interface (FIG. 23).

2. Claims 1-7, 13, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Becker et al. (US Pub. No. 2003/0195921).

As to Claim 1, and similarly recited Claims 13 and 18,

(a) modeling the hosting environment such that the hosting environment model includes hosting environment settings and constraints placed on the application (Paragraphs 0011, 0029, and FIG. 1, 6, and 8);

(b) modeling the application such that the application model includes application settings and constraints placed on the hosting environment (Abstract, Paragraphs 0005, 0010, and FIG. 1, 6, and 8); and

(c) validating the design of the system by comparing the hosting environment model to the application model (Paragraphs 0007, 0037, and FIG. 1).

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As to Claim 2, wherein the constraints include configuration parameters (Paragraphs 0005 and 0029).

As to Claim 3, and similarly recited Claim 14, analyzing application settings to determine whether the settings satisfy the hosting environment constraints (Paragraphs 0007, 0037, and FIG. 1).

As to Claim 4, and similarly recited Claim 15, analyzing hosting environment settings to determine whether the settings satisfy the application constraints (Paragraphs 0005 and 0008).

As to Claim 5, and similarly recited Claim 16, wherein the hosting environment comprises a distributed computing system (Abstract, Paragraphs 0005, and FIG. 1-2).

As to Claim 6, wherein the hosting environment comprises a plurality of server computers (Paragraph 0005, and FIG. 1-3).

As to Claim 7, wherein the hosting environment comprises a logical computer workstation (Paragraph 0039, and FIG. 2).

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**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suresh Memula whose telephone number is (571) 272-8046. The examiner can normally be reached on M-F 8am-4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Chiang can be reached on (571) 272-7483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

06/17/2006

PAUL DINH  
PRIMARY EXAMINER

A handwritten signature in black ink that reads "Paul Dinh". The signature is written in a cursive style with a long, sweeping horizontal line extending to the right.